

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NWAKUCHE UG,

No. C 10-01452 SI

Plaintiff,

ORDER AWARDING COSTS

v.

MORTGAGE LENDER SERVICES, INC., et al.,

Defendants.

Plaintiff Nwakuche Ug filed this mortgage fraud action in December 2009 in the Contra Costa County Superior Court. After plaintiff amended his complaint in March 2010, defendant Countrywide purported to remove the action to this Court. On May 28, 2010, the Court issued an order denying Countrywide's motion to dismiss the complaint and granting plaintiff's motion to remand, finding that Countrywide's removal was clearly untimely. The Court remanded the action to the Contra Costa County Superior Court but specifically retained jurisdiction to consider plaintiff's request for an award of costs pursuant to 28 U.S.C. § 1447(c), which permits the Court to order payment of "just costs and any actual expenses, including attorney fees, incurred as a result of [a defective] removal."

Plaintiff's counsel has submitted a declaration describing the basis for the attorneys' fees and costs incurred as a result of the untimely removal. It appears that the requested hourly rate, the hours expended on this litigation, and the costs incurred are reasonable. The Court therefore awards plaintiff \$12,859 in attorneys' fees and costs.

IT IS SO ORDERED.

Dated: June 21, 2010

SUSAN ILLSTON
United States District Judge